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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,944	09/04/2003	Tong Xie	10030169-1	7022

7590 07/22/2004

AGILENT TECHNOLOGIES, INC.
Intellectual Property Administration
Legal Department, DL429
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EXAMINER

ALSOMIRI, ISAM A

ART UNIT PAPER NUMBER

3662

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/655,944

Applicant(s)

XIE ET AL.

Examiner

Isam A Alsomiri

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Null US 6,130,663.

Re claims 1, 9, and 19. Null discloses in figures 1-4 an optical position-tracking system comprising: a first light beam steering device for sweeping a first light beam through a first angular range 162 to cause a reflection of the first light beam by a target 225, and a second light beam steering device for sweeping a second light beam through a second angular range 160 to cause a reflection of the second light beam by the target 225, wherein a position of the target is determined using a triangulation technique utilizing a first angular value of the first light beam and a second angular value of the second light beam, and wherein the first angular value and the second angular value depend on the existence of the respective reflection (see Abstract).

Re claims 2 and 10. Null teaches a processing unit 34 for determining the position of the target.

Re claims 3 and 11. Null teaches the position of the target is an absolute position 40.

Re claims 4, 14, and 21. The target 225 inherently includes a retro-reflecting surface.

Re claims 5, 15, and 22. Null's system teaches detecting the target which reflects the first light beam when the first light beam is at a particular angular value, the first light beam steering device sweeps the first light beam through a limited angular range that includes the particular angular value until the target fails to reflect the first light beam (inherently to keep the cursor in the updated position).

Re claims 6, 16, and 23. Null's system teaches detecting the target which reflects the second light beam when the second light beam is at a particular angular value, the second light beam steering device sweeps the second light beam through a limited angular range that includes the particular angular value until the target fails to reflect the second light beam (inherently to keep the cursor in the updated position).

Re claims 7, 17, and 24. Null teaches the first light beam steering device and the second light beam steering device are each from an electro-optic beam steering device (see col. 5 lines 33-50).

Re claims 8, 18, and 25. The optical position-tracking system as recited in Claim 1 wherein the first light beam and the second light beam are each generated by a light source from a semiconductor Laser technology-based light source (see col. 6 lines 60-67).

Re claim 12. Null teaches the position enables controlling a cursor in the computer system and enables inputting data into the computer system (see figures 1 and 2).

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited to (Omura et al.; Reddi et al.; Odell; Gordon et al.; Piot et al.; Dunthorn; Herrington et al.) all teach various triangulation measurements using optical sources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isam A Alsomiri whose telephone number is 703-305-5702. The examiner can normally be reached on Monday-Thursday and every other Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H Tarcza can be reached on 703-306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Isam Alsomiri



July 12, 2004

MARKED NEW
PRIMARY EXAMINER

3663

Mark Hellem